US Army Corps of Engineers
Baltimore District

NOTICE OF AVAILABILITY

Masonville Dredged Material Containment Facility (DMCF),
Baltimore, Maryland
CENAB-OP-RMN (MPA/Masonville DMCF) 2006-63743
State Tidal Wetlands License 06-WL-1653

THE PURPOSE OF THIS NOTICE IS TO INFORM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW AND TO ANNOUNCE THE AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND CLEAN AIR ACT DRAFT STATEMENT OF CONFORMITY. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT AUTHORIZATIONS WILL BE ISSUED.

The Baltimore District of the U.S. Army Corps of Engineers (USACE) has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) for the construction of a proposed dredged material containment facility (DMCF) in the Patapsco River, Baltimore, MD. The Maryland Department of the Environment (MDE) has also received an application for alteration of any floodplain, waterway, tidal or nontidal wetlands in Maryland pursuant to the following: Title 16 of the Environment Article (Tidal Wetlands License) and Title 5, Subtitle 9, of the Environment Article (Nontidal Wetlands Permit).

APPLICANT:
Harbor Development
Maryland Port Administration
2310 Broening Hwy.
Baltimore, MD 21224

Two public hearings on the proposed project were held on June 21, 2006 and July 31, 2006. A public comment period on the draft environmental impact statement (DEIS) and the supplement to the DEIS was held from May 19, 2006 through August 17, 2006. All comments received during the public comment period have been addressed and are included in the final environmental impact statement (FEIS).

WATERWAY AND LOCATION: The Patapsco River, a tributary of the Chesapeake Bay, is generally considered to be part of the Baltimore Harbor, Maryland. The site is estuarine and is located approximately 4 miles upstream of the Key Bridge and approximately 1 mile downstream of the Hanover Street Bridge, on the southern shore of the Middle Branch of the Patapsco River. The land portions of the site lie at: 3100 Childs Street, Baltimore, Maryland.

DESCRIPTION OF WORK: The project includes construction of a new DMCF consisting of rock-armored sand/clay containment structures, unarmored sand/clay containment structures and steel cellular cofferdams. The maximum channelward encroachment of the project would be approximately 1,200 feet. The containment structure will include approximately 4,000 linear feet of stone revetment and groins and approximately 1,200 linear feet of steel bulkheading (for the cofferdam). Approximately 1,400 linear feet of fringe marsh construction, consisting of approximately 70,000 cubic yards of clean sand, is also proposed. The containment structure would be initially constructed to elevation +10 ft MLLW, with future temporary elevation to +42 ft MLLW and ultimate elevation to +36 ft MLLW. Approximately 131 acres of waters of the United States would be filled as a result of this construction process. Mechanical pre-dredging with placement at the Hart-Miller Island (HMI) DMCF of about 1.7 million cubic yards (mcy) of overburden materials geotechnically unsuitable for construction would be performed prior to construction of the containment structure. Hydraulic dredging of about 1.5 mcy of sand from within the proposed DMCF footprint would be performed to construct the outer sand portion of the +10 ft MLW containment structure sections. An additional 0.5 to 0.8 mcy of sand and gravel from the Seagirt dredging area would also be used as construction material. Of this, 0.5 mcy of material was previously slated for placement at the HMI DMCF

and would be innovatively reused for dike construction. Two new spillway structures and discharge outfalls would be included in the construction of the DMCF. Ancillary construction associated with the DMCF would be relocating a Baltimore City 48-inch water main line, removal of the sunken barges, and relocating a commercial mooring buoy. Also proposed is the installation of 3,400 linear feet of storm drainpipe which is to discharge to tidal waters. This is associated with the relocation of a city storm drain system. Total project footprint, including uplands, is approximately 141 acres.

DETAILED PROJECT BACKGROUND: The USACE was identified as the lead agency under the National Environmental Policy Act (NEPA) and has received an application for a Department of the Army permit. In accordance with the requirements of NEPA, the USACE has prepared a *Tiered Final Environmental Impact Statement for the Proposed Masonville Dredged Material Containment Facility* (FEIS) for the proposed Masonville DMCF. The purpose of the document is to assess impacts to the human environment, provide an alternatives analysis, and evaluate the technical feasibility and the potential impacts associated with construction and operation of a confined disposal facility that will manage materials dredged from the Baltimore Harbor. The construction of a confined disposal facility was one of seven recommendations of the USACE-Baltimore District's, *Dredged Material Management Plan (DMMP) and Tiered Environmental Impact Statement* (http://www.nab.usace.army.mil/projects/DMMP/index.html). The USACE is circulating this FEIS for the Masonville DMCF through a Notice of Availability published in the Federal Register.

The FEIS for the Masonville DMCF includes an evaluation of options for Baltimore Harbor dredged material placement. The Baltimore Harbor is defined as the tidal area west of the North Point-Rock Point line in the Patapsco River, which includes Old Road Bay, Bear Creek, the Middle Branch of the Patapsco River, Curtis Bay, the shoreline, and open water between them. Currently Baltimore Harbor dredged material may be placed in the Hart Miller Island (HMI) or Cox Creek DMCFs. State legislative requirements restrict filling of the HMI DMCF beyond 2009 (Annotated Code of Maryland, Environment Article, 5-1103). Management of the cover and closure of the HMI DMCF may limit acceptance of dredged material as soon as the end of the 2007 dredging season, at which time a shortfall in Baltimore Harbor dredged material placement capacity could occur. The goal for this study is to provide a method for the placement or use of Baltimore Harbor dredged material that is economically feasible, minimizes adverse environmental impacts, and meets the short-term dredged material placement need.

The Masonville DMCF is being proposed as a containment facility for Baltimore Harbor dredged materials, which are required to be contained by State law because of known or suspected sediment contamination (Annotated Code of Maryland, Environment Article, 5-1102). To meet the short-term Baltimore Harbor dredged material placement need, the proposed project would need to be operational by state fiscal year 2009 to accept materials that must be contained due to State law.

The FEIS for the proposed Masonville DMCF was conducted in compliance with Section 10 of the Rivers and Harbors Act, Sections 404 and Section 401 of the Clean Water Act, Section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Coordination Act, Section 106 of the National Historic Preservation Act, Farmland Protection Policy (Prime and Unique Farmlands), and the Magnuson-Stevens Fishery Conservation and Management Act. All appropriate documentation (*i.e.*, Section 7, Section 106 coordination letters, and public and agency comments) were obtained and included as part of the FEIS. In compliance with the Clean Air Act, a Draft Air Quality General Conformity Determination has been completed and is available in the FEIS for public comment. The USACE has preliminarily determined that the General Conformity Analysis prepared for the proposed Masonville DMCF dated November 17, 2006 with the compensation proposed conforms to the General Conformity requirements of the Clean Air Act. A final determination will be made no sooner than thirty (30) days from the date of this notice.

A single alignment, which includes approximately 141-acres of tidal open water, wetlands, and uplands, was identified as the preferred alternative. The preferred DMCF alternative proposes a total footprint that would include the following impacts:

- Filling of 130 acres of tidal open water (including 1 acre of fill due to the need to relocate several sunken barges outside the proposed footprint).
- Filling or impacting up to 1 acre of vegetated wetlands (tidal and non-tidal) along the southern shoreline of the site for stormwater outfall relocation and landside containment facility construction
- Burying or impacting up to 10 acres of upland area in the Chesapeake Bay Critical Area buffer.

The applicant has proposed compensatory mitigation for these impacts as described in the FEIS in Chapter 6 and Appendix M.

Long-term adverse impacts of the proposed project are predominantly associated with conversion of 123 acres of open water to fastland (upland) and conversion of 7 acres of open water to shallower open water. This would result in the loss of approximately 0.6 percent of the tidal portion of the Patapsco River with associated benthic resources and fisheries habitat.

No other significant impacts are predicted. Assessments indicate that no impacts to listed RTE species or species managed under the Magnuson Stevens Fishery Conservation and Management Act are likely. Section 106 consultations with the State Historic Preservation Officer (SHPO) and National Park Service in accordance with the National Historic Preservation Act indicate that no impacts to listed properties and landmarks are anticipated. The FEIS outlines measures the applicant may implement to address impacts to air quality resulting from activities described in the permit application.

The applicant must obtain any state or local permits that may be required. The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act. The USACE hereby requests that the MDE, Water Management Administration review the proposed discharges for compliance with the applicable water quality standards. The applicant has certified in their application that the proposed activity complies with, and would be conducted in a manner consistent with, the Maryland Coastal Zone Management Program. The operational discharge from the facility also requires a State Discharge Permit from MDE.

The project would also be in compliance with Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.”

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which may reasonably be expected to accrue from the proposal, will be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal are considered as part of the evaluation process. Factors relevant to the proposed project include: conservation; economics; aesthetics; general environmental concerns; wetlands; cultural values; fish and wildlife values; flood hazards; floodplain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water and air quality; hazardous, toxic, and radioactive substances; threatened and endangered species; regional geology; energy needs; food and fiber production; safety; environmental justice; cumulative impacts; and the general needs and welfare of the public.

The evaluation of the impact of the proposed project, described above, on the public interest includes application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of the Section 404 of the Clean Water Act.

The USACE and the MDE solicited comments on the DEIS for the proposed Masonville DMCF from the public, Federal, State, and local agencies and officials, and all other interested parties in order to evaluate the impacts of this proposed activity. All comments received were considered by the USACE and MDE to determine whether to issue, issue with conditions, or deny a permit or license for this proposal. To solicit comments, the USACE and the MDE held two public comment meetings (June 21, 2006 and July 31, 2006) and placed advertisements in area newspapers.

Comments were given orally at the public hearings and were also received electronically (via email) and through the mail. These comments were addressed in the FEIS and specific responses to each comment are detailed in a comment-response table included as part of the FEIS.

If you have any questions concerning this matter, please contact:

Mr. Jon Romeo
ATTN: CENAB-OP-RMN
P.O. Box 1715
Baltimore, MD 21203
U.S. Army Corps of Engineers - Baltimore District
Phone: 410–962–6079
e-mail: jon.romeo@usace.army.mil.

Questions pertaining to the tidal waters in Maryland and the associated permits for this project should be directed to:
Maryland Department of the Environment
Water Management Administration
Attn: Robert Cuthbertson
1800 Washington Blvd.
Baltimore, MD 21230
Phone: (410) 537-3845

Questions pertaining to the non-tidal waters in Maryland and the associated permits for this project should be directed to:
Maryland Department of the Environment
Water Management Administration
Amanda Sigillito
1800 Washington Blvd.
Baltimore, MD 21230
Phone: (410) 537-3766

You may view the FEIS for the Masonville DMCF and related information on the USACE web page at http://www.nab.usace.army.mil/Regulatory/public_notices.htm. USACE has distributed copies of the Final EIS for the Masonville DMCF to appropriate members of Congress, State, and local government officials, Federal agencies, and other interested parties.

Copies of the FEIS are also available for public review at the following locations:

(1) Enoch Pratt Free Library, 400 Cathedral St., Baltimore, MD 21201-4484
(2) Enoch Pratt Free Library, Cherry Hill Branch, 606 Cherry Hill Rd, Baltimore, MD 21225
(3) Enoch Pratt Free Library, Brooklyn Branch, 300 E. Patapsco Ave, Baltimore, MD 21225
(4) Baltimore County Public Library, Essex Branch, 1110 Eastern Blvd, Baltimore, MD 21221
(5) Baltimore County Public Library, North Point Branch, 1716 Merritt Blvd, Dundalk, MD 21222

It is requested that you communicate the above information concerning the proposed work to any persons known to be interested who did not receive a copy of this notice.